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State of California  
Energy Resources Conservation and Development Commission

In the matter of :	)	Docket No. 01-AFC-04
	)	
	)	
	)	Motion to postpone
Application for Certification	)	adoption of the RPMPD
East Altamont Energy Center	)	at the August 20,2003
	)	and schedule a Public
	)	meeting to discuss
	)	Substantial changes made
	)	to the decision by Errata
	)	to the PRMPD and the
	)	Supplemental Errata.

On June 3, 2003 the Committee for the EAEC held a conference to discuss the changes made to the PMPD. Several agencies appeared to express concerns in the area of Worker Safety and Fire Protection, Water Resources, and Air Quality. In addition the record was reopened to accommodate **purported** new evidence. While the meeting was held to simply review the changes proposed by the RPMPD several substantive issues were introduced and remain unresolved. It was also established that the applicant did

not have site control over the recycled water a key component of the environmental review of this project and a condition of approval by several government agencies most notably the NMFS. The committee expressed a desire to incorporate these concerns into the RPMPD. The committee also extended the comment period for some agencies until Thursday June 5, 2003. The committee recognizing the importance of the new information provided, cancelled the June 11, 2003 meeting and rescheduled it stating, "After reviewing the late comments and the parties' responses thereto, the Committee has determined that the comments do not substantively change the Committee's findings and conclusions in the RPMPD. Accordingly, the Committee will distribute a list of Errata forthwith to be incorporated into the RPMPD upon consideration by the full Commission."

The June 13, 2003 errata contained substantial revisions and significant new information to the revised PMPD. The presiding member removed \$500,000 in mitigation from the Tracy Fire Department after properly awarding it in the RPMPD. Subsequently on July 21, 2003 the applicant had a second fatality in three months at one of his energy facilities (article attached) as well as a recent pipeline explosion at its Wolfskill Peaker Plant in Fairfield. These incidents characterize the applicants poor safety record and the need for funding in excess of the \$500,000 provided in the RPMPD and subsequently removed in the Errata to the RPMPD (June 13,2003). The public and the Tracy Fire Department wish to discuss the applicant's safety record and the removal of the \$500,000 of mitigation to the TFD. CEQA requires adequate time for affected agencies and the public to respond to significant changes in the final EIR. **"If subsequent to the commencement of public review and interagency consultation but prior to final EIR certification, the lead agency adds "significant new information" to an EIR the agency must issue new notice and must recalculate the revised**

**EIR or portions thereof for additional commentary and consultation.” (Public Resources Code Section 21092.1 : CEQA Guidelines, Section 15088.5; Laurel Heights 11 (1193) 6 Cal 4<sup>th</sup> 1112 [26 Cal Rapt. 2<sup>nd</sup> 231]**

At the July 23, 2003 business meeting intervenor attempted to raise these issues which are more appropriately discussed in a committee setting not a business meeting but was denied a chair at the conference table by the Commission legal counsel Mr. Chamberlain and inexplicably stripped of his status as a party and intervenor. At the July 23 business meeting it was clear that the parties had not resolved their issues and further evidence was presented to the full commission that the applicant's facilities in the BAAQMD (Delta Energy Center and the Los Medanos Project) were seriously out of compliance with their permit conditions raising the uncertainty that the EAEC could meet its air quality conditions of certification. Additionally the BAAQMD has apparently failed to report these violations to the Compliance Manager Jerri Scott raising serious questions as to the CEC compliance and enforcement process at the applicants currently operating facilities which should be discussed in a workshop before certification of this facility.

The Committee issued a subsequent Supplemental Errata to the RPMPD which substantially altered the RPMPD by removing the applicants CEQA obligation of providing 68 tons per year of NO<sub>x</sub> reduction for the life of the project. Substantial changes to the final environmental document have been introduced in the Errata to the RPMPD and the Supplemental Errata to the RPMPD as well as new information on the applicants compliance and safety records (attached) and CEQA requires that the public have an opportunity to discuss these changes in a publicly noticed conference before the full commission deliberates on this matter.

CEQA requires adequate time for affected agencies and the public to respond to significant changes in the final EIR. **“If subsequent to the commencement of public review and interagency consultation but prior to final EIR certification, the lead agency adds “significant new information” to an EIR the agency must issue new notice and must recirculate the revised EIR or portions thereof for additional commentary and consultation.”** (Public Resources Code Section 21092.1 : CEQA Guidelines, Section 15088.5; Laurel Heights 11 (1193) 6 Cal 4<sup>th</sup> 1112 [26 Cal Rptr. 2<sup>nd</sup> 231]

The affected agencies (Tracy Fire, MHCSO) and the public need adequate time to review and comment on the proposed substantive changes that a business meeting in Sacramento will not provide. It is apparent by the committee order for the Staff to provide a representative of the BAAQMD and the applicant to provide a witness from the SJVUAPCD (already an intervenor not stripped of its party status and fully capable of representing its own interest in absence of article five of its AQMA with the applicant) that this project is still in the Committee process. It is inappropriate to discuss these matters before the full Commission as noted by Commissioner Pernell in the last business meeting and a violation of CEQA not to provide the public an opportunity to discuss these substantial changes to the final environmental document.

Intervenor moves that the matter be removed from the business meeting agenda to allow adequate time for a public meeting in the City of Tracy to review the substantive changes that have been made to the decision and subsequent information on the applicants safety and compliance records **all critical public health and safety concerns of the community**. Intervenor also requests a response in 24 hours due to the critical time element contained in this request.

8-14-03

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Date

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Robert Sarvey

# Calpine contractor dies in geothermal blast

New Mexico man becomes second of firm's specialists killed this year

By Pamela J. Podger  
CHRONICLE STAFF WRITER

A 44-year-old New Mexico man was killed over the weekend in a blast in geothermal fields in northwest Sonoma County in the second death this year of specialists hired by energy giant, Calpine Corp.

Calpine Corp. said the victim, identified by the Sonoma County coroner as Barry Carpenter of Farmington, N.M., was single. Carpenter worked for a drilling company, Air Comp.

One paramedic who lives at the Geysers responded at 3:34 p.m. Saturday to an emergency call at the northern end of the complex.

Sonoma County sheriffs and Cal/OSHA officials are investigating the death.

Bill Highlander, a spokesman for Calpine Corp. of San Jose, said the company was conducting its own probe. Calpine hires many specialty contractors for its energy operations, he said. No one else was injured in the Saturday accident.

The Calpine Geothermal Geysers, one of the world's largest steam fields, sprawls across 30 acres of land along the spine of the Mayacamas Mountains.

Huge pipes snake over the rugged terrain between Lake and Sonoma counties and carry the steam heat from hundreds of wells to 21 power plants. The

steam then spins turbines that generate electricity and deliver 820 megawatts an hour — enough power for the entire North Bay or for the city of San Francisco.

Highlander confirmed that another contractor had died May 12. "The two accidents are of a great concern to us," Highlander said. "Calpine does take safety very seriously."

In May, a Merced maintenance worker who was inside a steam-cooling tower perished when a fan with blades was turned on. Highlander said the deceased, Greg McVay, 43, had a wife and a son and worked for Marley Xcell Construction.

"That was an unfortunate accident as well," Highlander said. "It has nothing to do with Saturday's death."

Susan Card of state Division of Occupational Safety and Health said the results of Cal/OSHA's in-

vestigations into the two accidents were not available.

Card said Carpenter had been operating an industrial air compressor that is used to clean the steam well shaft. The air compressor is attached to a steel tank that captures the debris — moisture, oil or bits of dirt and sand.

"We're investigating why that tank exploded," she said. "The fact that there were two Calpine fatalities is of concern to us. This is a sprawling, remote location with a bunch of different contractors working 24 hours a day in all kinds of weather. At the same time, we also know that Calpine has a progressive, active safety organization."

Highlander said Calpine recognized the potential hazards of the industrial operations and attempted to minimize accidents.

"The Geysers just celebrated 1 million hours without a report-

able accident for our Calpine employees," he said. "We are concerned about our contractors and want to make sure that their safety is assured as well."

Sgt. Will Wallman of the county coroner's office said Carpenter appeared to have died of blunt-force injuries. An autopsy is scheduled for today.

For the past few years, the Geysers steam fields have been recharged with treated effluent from Santa Rosa, pumping 11 million gallons a day through a 41-mile-long pipeline.

The city reclaims and distributes wastewater for the cities of Cotati, Rohnert Park, Santa Rosa and Sebastopol and portions of Sonoma County. The Geysers offered a way for Santa Rosa to rid itself of a vexing wastewater disposal issue. Lake County residents, however, complain that the regenerated steam fields are causing more earthquakes — a charge

that Calpine rejects.

The Geysers' rich history includes stories of Indians who cooked over the steam vents. Records show one of the earliest pioneers, William Bell Elliott, declared he had found the "Gates to Hades" as he stood among his hissing, bubbling hot spring while hunting a grizzly bear, Oil Slewfoot.

The first wing of the Geyser Resort Hotel was built in 1854 and, in its heyday in the 1870s, the steam baths enticed notable travelers, including past and future presidents — Ulysses S. Grant

William Howard Taft and Theodore Roosevelt — and writers such as Samuel Clemens (a.k.a. Mark Twain) and Jack London. The hotel's register was often signed in black fluid drawn from a hot spring called the Devil's Inkwell.

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## NOV History for Delta Energy

SITE NAME	NOV#	NOV@	REG	COMMENTS	STATUS
Delta Energy Center	A44227	03/13/02	1-522.7	Related to ED # 03Q97	Pending Final Disposition
Delta Energy Center	A44234	03/14/02	2-1-307	Failure to Meet Permit Condition	Pending Final Disposition
Delta Energy Center	A44234	03/14/02	1-522.7	DOD 8/19/02, Related to ED #03Q96	Pending Final Disposition
Delta Energy Center	A44232	03/15/02	2-1-307	Failure to Meet Permit Condition	Pending Final Disposition
Delta Energy Center	A44232	03/15/02	1-522.3	DOD 8/19/02, Related to ED #03Q95	Pending Final Disposition
Delta Energy Center	A44233	03/16/02	1-522.7	DOD 8/19/02, Related to ED# 03Q93	Pending Final Disposition
Delta Energy Center	A44233	03/16/02	2-1-307	Failure to Meet Permit Condition	Pending Final Disposition
Delta Energy Center	A44244	03/17/02	1-522.7	Related to ED #03R10	Pending Final Disposition
Delta Energy Center	A44226	03/17/02	1-522.7	Related to ED #03Q94	Pending Final Disposition
Delta Energy Center	A44244	03/17/02	2-1-307	Failure to Meet Permit Condition	Pending Final Disposition
Delta Energy Center	A44211	04/17/02	2-6-307	Excess emissions.	Pending Final Disposition
Delta Energy Center	A44212	04/18/02	2-6-307	Excessive emissions	Pending Final Disposition
Delta Energy Center	A44213	04/19/02	2-6-307	Excessive emissions.	Pending Final Disposition
Delta Energy Center	A44216	04/19/02	2-6-307	Excessive emissions.	Pending Final Disposition
Delta Energy Center	A44242	06/03/02	1-522.7	Related to ED #03R08	Pending Final Disposition
Delta Energy Center	A44242	06/03/02	2-1-307	Failure to Meet Permit Condition	Pending Final Disposition
Delta Energy Center	A44245	06/19/02	1-522.7	Related to ED #03R14	Pending Final Disposition
Delta Energy Center	A44245	06/19/02	2-1-307	Failure to Meet Permit Condition	Pending Final Disposition
Delta Energy Center	A44246	06/20/02	1-522.7	Related to ED #03R15	Pending Final Disposition
Delta Energy Center	A44246	06/20/02	2-1-307	Failure to Meet Permit Condition	Pending Final Disposition
Delta Energy Center	A44240	06/21/02	1-522.7	Related to ED #03R05	Pending Final Disposition
Delta Energy Center	A44240	06/21/02	2-1-307	Failure to Meet Permit Condition	Pending Final Disposition
Delta Energy Center	A44241	06/23/02	1-522.7	Related to ED #03R06	Pending Final Disposition
Delta Energy Center	A44241	06/23/02	2-1-307	Failure to Meet Permit Condition	Pending Final Disposition
Delta Energy Center	A44243	07/01/02	1-522.7	Related to ED #03R09	Pending Final Disposition
Delta Energy Center	A44243	07/01/02	2-1-307	Failure to Meet Permit Condition	Pending Final Disposition
Delta Energy Center	A44235	07/02/02	1-522.7	DOD 8/19/02, Related to ED #03Q98	Pending Final Disposition
Delta Energy Center	A44235	07/02/02	2-1-307	Failure to Meet Permit Condition	Pending Final Disposition
Delta Energy Center	A44236	07/08/02	2-1-307	Failure to Meet Permit Condition	Pending Final Disposition
Delta Energy Center	A44236	07/08/02	1-522.7	DOD 8/19/02, Related to ED #03Q99	Pending Final Disposition

## NOV History for Delta Energy

SITE NAME	NOV#	NOV@	REG	COMMENTS	STATUS
Delta Energy Center	A44228	07/09/02	1-522.7	Related to ED #03R00	Pending Final Disposition
Delta Energy Center	A44214	07/09/02	2-6-307	Excessive emissions.	Pending Final Disposition
Delta Energy Center	A44237	07/13/02	1-522.7	DOD 8/19/02, Related to ED# 03R01	Pending Final Disposition
Delta Energy Center	A44237	07/13/02	2-1-307	Failure to Meet Permit Condition	Pending Final Disposition
Delta Energy Center	A44229	07/14/02	1-522.7	Related to ED #03R02	Pending Final Disposition
Delta Energy Center	A44215	07/14/02	2-6-307	Excessive emissions	Pending Final Disposition
Delta Energy Center	A44238	07/17/02	1-522.7	Related to ED #03R03	Pending Final Disposition
Delta Energy Center	A44238	07/17/02	2-1-307	Failure to Meet Permit Condition	Pending Final Disposition
Delta Energy Center	A44230	07/24/02	1-522.7	Related to ED #03R07	Pending Final Disposition
Delta Energy Center	A44239	07/28/02	1-522.7	Related to ED #03R04	Pending Final Disposition
Delta Energy Center	A44239	07/28/02	2-1-307	Failure to Meet Permit Condition	Pending Final Disposition
Delta Energy Center	A44231	08/04/02	2-1-307	DOD 8/5/02 Related to ED #03Q10	Pending Final Disposition
Delta Energy Center	A44217	08/11/02	2-6-307	Excessive emissions	Pending Final Disposition
Delta Energy Center	A44220	10/16/02	2-6-307	DOD 10/16/02 related episode D3R88.	Pending Final Disposition
Delta Energy Center	A45001	12/12/02	2-6-307	Related 03T33.	Pending Final Disposition
Delta Energy Center	A44222	01/19/03	2-6-307	Related to B/D 03445	Pending Final Disposition
Delta Energy Center	A45002	03/26/03	2-6-307	Related 03V63	Pending Final Disposition

## NOV History for Los Medanos

SITE NAME	NOV#	NOV@	REG	COMMENTS	STATUS
Los Medanos Energy Center	A11181	08/13/01	2-1-307	Failure to Meet Permit Condition	Pending Final Disposition
Los Medanos Energy Center	A11179	08/19/01	2-1-307	Source Test by Avagadro Group, LLC, Sept 2001	Cancel
Los Medanos Energy Center	A11179	08/19/01	2-1-307	Source Test by Avagadro Group, LLC, Sept 2001	Cancel
Los Medanos Energy Center	A11180	08/19/01	2-1-307	Source Test by Avagadro Group LLC, Sept 2001	Cancel
Los Medanos Energy Center	A11180	08/19/01	2-1-307	Source Test by Avagadro Group LLC, Sept 2001	Cancel
Los Medanos Energy Center	A11188	10/31/01	2-6-502	Title 5 Semi Annual Report No Issued NOV's Noted	Pending Final Disposition
Los Medanos Energy Center	A44210	01/05/02	2-6-307	DOD 8/28/02 Reg 4 Air Episode Plan	Pending Final Disposition
Los Medanos Energy Center	A11193	05/15/02	2-1-307	ED # 03M92, Emission Excess for NOx	Resolution, Mutual Settlement
Los Medanos Energy Center	A44209	08/24/02	2-1-307	Related to J3Q63 DOD 8/28/02	Pending Final Disposition
Los Medanos Energy Center	A44219	11/20/02	2-6-307	DOD 11/20/02 related episode 03S90	Pending Final Disposition
Los Medanos Energy Center	A44224	02/28/03	1-522.7	Indicated excess not reported (03V75).	Pending Final Disposition
Los Medanos Energy Center	A44225	03/01/03	1-522.7	Indicated excess not reported (03V76).	Pending Final Disposition

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FROM-BAY AREA AIR QUALITY ADMIN

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07-09-2003